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IN THE
Supreme Court of the United States

OCTOBER TERM, A.D., 1947

No. 234

PHILIP MILTON KORITZ, CAL ROBERSON JONES,
and MARGARET DeGRAFFENREID,
Petitioners,

vs.

STATE OF NORTH CAROLINA,
Respondent.

**PETITION FOR REHEARING OF PETITION FOR WRIT
OF CERTIORARI TO THE SUPREME COURT
OF NORTH CAROLINA.**

I. DUKE AVNET,
WILLIAM R. DALTON,
HAROLD BUCHMAN,
Attorneys for Petitioners.

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**PETITION FOR REHEARING OF PETITION FOR WRIT
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Petitioners respectfully request a rehearing of their petition for a writ of certiorari, which was denied by this Court on October 13, 1947, for the following reasons:

1. The denial of the writ is in flat contradiction to the well-defined principle that exclusion of persons from juries because of race or color violates the Fourteenth Amendment of the Constitution of the United States.

Smith v. Texas, 311 U. S. 128; *Norris v. Alabama*,
294 U. S. 587.

2. There was no contradiction that no more than a dozen colored persons were summoned for jury service over a period of ten years in a county whose population contained over 45% colored citizens. The record was full and complete in proof of this with testimony of many qualified witnesses and exhibits from the local court's own records. All the undisputed facts bear witness to a vicious denial of equal protection of the laws.

3. The trial in Forsyth County of North Carolina was a travesty of justice. Corrupt jury systems and packed juries discredit our whole judicial system. This Court cannot lend its great authority to continued abuse of the right of trial by jury that existed in this cause.

4. The petitioners, for minor offenses, must suffer oppressive punishment because under color of law they were denied the essence of a fair trial. They cannot be alone in the rising bitterness that stems from resentment at the judicial processes sanctioned by law as jury trials in Forsyth County, North Carolina. When the imperatives of the Constitution are cavalierly disregarded, a whole people are excluded from jury service, and the imprimatur of judicial approval is stamped on such mockery of justice, then the faith of our people in our judicial system must inevitably be undermined.

5. The failure of this high Court to accord, at least, the opportunity for hearing of so fundamental an evil, that literally cries for remedy, is disturbing and incomprehensible to Petitioners. To these Petitioners and all the working people of our land this Court represents a bulwark of law and justice. The summary denial of a petition presenting incontrovertible evidence of the most arrogant and brazen violations of the Constitution throws a shadow of fear far beyond the corners of this cause.

The petitioners importune this Court to reconsider most carefully the facts of this cause. Deepest impulses of justice should certainly warrant a full hearing by argument of counsel.

Respectfully submitted,

I. DUKE AVNET,
WILLIAM R. DALTON,
HAROLD BUCHMAN,
Attorneys for Petitioners.